

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Jeanette Shannon

Appeal No.: V-72-18

Subject Property: Lots 25 thru 27 and Part of Lot 28, Block N, being 8655 Leslie Avenue, Glenarden,
Prince George's County, Maryland

Municipality: City of Glenarden

Heard and Decided: August 29, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve variances from Section 27-420(a) of the Zoning Ordinance, which prescribes that on corner lots consisting of one (1) acre or less, fences and walls in the front yard or side yard shall not be more than four (4) feet in height without the approval of a variance. Petitioner proposes to validate and obtain a building permit for a new 6-foot wooden privacy fence in the side yard of a corner lot. Waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Wesley Street) are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1913, contains 9,400 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, two driveways and shed. Exhibits (Exhs.) 2, 4, 10, 11 and 12 (A) thru (F).
2. The property is a corner lot with the dwelling facing the legal front street. Exhs. 2 and 4.
3. Petitioner would like to obtain a building permit for a new 6-foot wooden privacy fence around the back yard. As a portion of the fence is in the yard between the dwelling and the property line along the side street, waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Wesley Street) were requested. Exhs. 2, 3 (a) thru (c), 5 (A) thru (C) and 13.
4. The City of Glenarden provided written comments in favor of the variance. Exh. 17.
5. Petitioner Jeanette Shannon testified that the prior 6-foot fence, which was 30 years old, was in disrepair and replaced (for pedestrian safety) with a new 6-foot fence in the same footprint. Exhs. 2, 3 (a) thru (c), 5 (A) thru (C).

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being a corner lot with the dwelling facing the legal front, safety for pedestrians needed from the falling fence panels and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (abutting Wesley Street) in order to validate and obtain a building permit for a new 6-foot wooden privacy fence in the side yard of a corner lot on the property located at Lots 25 thru 27 and Part of Lot 28, Block N, being 8655 Leslie Avenue, Glenarden, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (c).

BOARD OF ZONING APPEALS

By: (ORIGINAL SIGNED)

Bobbie S. Mack, ChairpersonNOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.